

Atty Dkt. No.: 10992233-1
USSN: 09/579,276

REMARKS

Formal Matters

Claims 1-44 are pending.

Claims 1-44 were examined. Claims 1-44 were rejected.

Applicants respectfully request reconsideration of the application in view of the remarks made herein.

Rejection of claims under 35 U.S.C. § 102

Claims 1-7, 9, 10, 13-18, 20, 23-29, 31, 32, 35-40, 42 and 44 are rejected under 35 U.S.C. 102(b) as being anticipated by Whitehouse (6,040,575), assertedly because Whitehouse discloses an ionization chamber that anticipates the claimed invention. The Applicants respectfully traverse this rejection.

The subject claims are directed to compositions and methods involving an ionization chamber having, *inter alia*, three electric fields.

As such, in order to anticipate the instant claims, a reference must disclose an ionization chamber having, *inter alia*, three electric fields.

Whitehouse discloses a time of flight mass spectrometer system, and an overview of Whitehouse's system is best viewed in Fig. 1. In Whitehouse's system, ions are made in the ionization chamber 33, and transported through a series of vacuums 3, 4 and 5, and then they are focused by elements 41 and 42 in the drift tube 20.

Whitehouse's ionization chamber 33 does not contain three electric fields (or even two electric fields). As such, Whitehouse fails to disclose at least one element of the claimed invention.

The Examiner indicates that Whitehouse's elements 41 and 42 are equivalent to the first and second electrodes, as recited in the instant claims. Whitehouse's element 41 and 42 are, however, located in the high vacuum part of

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Atty Dkt. No.: 10992233-1
USSN: 09/579,276

the Whitehouse system, far from the ionization chamber, and are used long after ions are made. Elements 41 and 42 are not electrodes for generating ions. They are lenses for focusing a preexisting beam of ions (see Whitehouse column 13, lines 33 and 34), and are not present in an ionization chamber.

As such, Whitehouse fails to teach all the elements of the rejected claims. Accordingly, Whitehouse cannot anticipate the claimed invention and the rejection of claims 1-7, 9, 10, 13-18, 20, 23-29, 31, 32, 35-40, 42 and 44 under 35 U.S.C. § 102(b) over Whitehouse et al may be withdrawn.

Rejection of claims under 35 U.S.C. § 103

Claims 8, 21, 22, 30 and 43 are rejected under 35 U.S.C. § 103(a) over Whitehouse (6,040,575), assertedly because Whitehouse discloses an ionization chamber that renders the subject matter of the rejected claims obvious.

In order to establish a proper *prima facie* case of obviousness, all of the claim elements must be taught.

As discussed above, Whitehouse is deficient in that it fails to teach at least one element of the claimed invention, namely an ionization chamber containing three electric fields.

This deficiency is not met by a mere reversal of parts of Whitehouse's system, or well known alterations of Whitehouse's system.

As such, Whitehouse fails to teach an element of the claimed invention, and, as such, cannot render the rejected claims obvious. Withdrawal of this rejection is respectfully requested.

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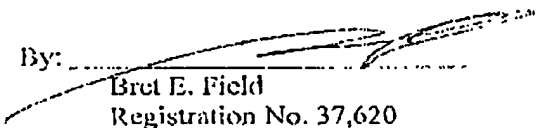
Atty Dkt. No.: 10992233-1
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CONCLUSION

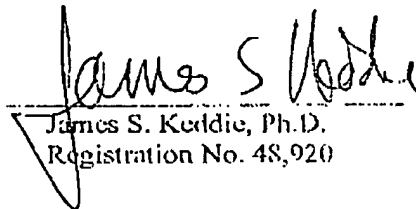
The applicants respectfully submit that all of the claims are in condition for allowance, which action is requested. If the Examiner finds that a telephone conference would expedite the prosecution of this application, please telephone Timothy Joyce at 650 485 4310. The Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16 and 1.17 which may be required by this paper, or to credit any overpayment, to Deposit Account No. 50-1078.

Respectfully submitted,

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